

109TH CONGRESS
1ST SESSION

H. R. 4088

To impose limitations on the use of eminent domain for purposes of economic development.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2005

Mr. PALLONE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose limitations on the use of eminent domain for purposes of economic development.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Our Homes
5 Act”.

6 **SEC. 2. LIMITATIONS ON USE OF EMINENT DOMAIN.**

7 (a) IN GENERAL.—No Federal, State, or local gov-
8 ernmental entity may use the power of eminent domain
9 to take private property for economic development pur-

1 poses unless the entity meets the conditions of subsection
2 (b).

3 (b) CONDITIONS.—To meet the conditions of this
4 subsection, a Federal, State, or local governmental entity
5 must be able to demonstrate the following:

6 (1) The property that is subject to the taking
7 constitutes a significant public health or safety risk.

8 (2) The entity has examined all reasonable al-
9 ternatives to the taking, and has set forth its find-
10 ings in a series of public hearings.

11 (3) The entity has provided notice of the taking
12 and an opportunity for public comment.

13 (4) If the property is to be used for residential
14 development, the entity has required that the devel-
15 opment include affordable housing for individuals,
16 families, and seniors in an amount proportional to
17 the number of residences condemned.

18 (5) If the property is to be used for commercial
19 development, the entity has required the availability
20 of additional affordable housing for individuals, fam-
21 ilies, and seniors in an amount proportional to the
22 number of residences condemned to be located in a
23 comparable housing market.

24 (6) The entity has provided just compensation
25 for the property reflecting the following:

1 (A) Fair market value.

2 (B) Relocation costs consistent with the
3 Uniform Relocation Assistance and Real Prop-
4 erty Acquisition Policies Act of 1970 (42
5 U.S.C. 4601 et seq.).

6 (C) Projected market value of the property
7 after redevelopment.

8 (7) The entity has disclosed its basis for deter-
9 mining the amount of compensation specified in
10 paragraph (6).

11 (8) The entity has provided a process by which
12 the affected community may petition to put the pro-
13 posed development to a ballot initiative at the ear-
14 liest practicable time.

15 **SEC. 3. ENFORCEMENT.**

16 (a) INELIGIBILITY FOR FEDERAL FUNDS.—Failure
17 to comply with the requirements of section 2 renders a
18 State or local governmental entity ineligible for Federal
19 financial assistance under any program administered by
20 the Department of Housing and Urban Development.

21 (b) NONCOMPLIANCE.—The Secretary of Housing
22 and Urban Development shall provide for enforcement of
23 the limitation contained in subsection (a).

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